THE HON'BLE SRI JUSTICE N.V. RAMANA

W.P. No. 17468 of 2005

Oral order:

The petitioner who is working with the respondents-BSNL at Hyderabad, has filed this writ petition questioning the proceedings dated 02.08.2005, issued by the 4th respondent, transferring him to Tandur in Ranga Reddy District.

This Court on 09.08.2005, while directing the writ petition to be listed on 17.08.2005, directed status quo as on that date to be maintained. By virtue of the said status quo order, it is submitted by the learned counsel for the petitioner and admitted to by the learned Standing Counsel for the respondents-BSNL that the petitioner is continued at Hyderabad and that he has not taken charge at the transferred place namely Tandur in Ranga Reddy District.

The respondents filed counter *inter alia* stating that the petitioner since his appointment in the year 1985 is working in Hyderabad, and given his technical experience, he was transferred to Tandur in Ranga Reddy District, where his services are required, and since the transfer of the petitioner is made on administrative grounds, no interference is called for therewith.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents-BSNL.

Though the petitioner has been transferred to Tandur in Ranga Reddy District, by virtue of the status quo order granted by this Court, it is submitted by the counsel for the petitioner and admitted to by the learned Standing Counsel for the respondents that the petitioner is being continued in Hyderabad.

Be that as it may, transfer being an incidence of service, cannot be interfered with, unless it is shown that the transfer has been effected *mala fide* and for extraneous reasons. In the instant case, it is the case of the respondents, which is admitted to by the petitioner that he has been working at Hyderabad since his appointment in 1985, and since the petitioner, given his technical experience, is said to have been transferred on administrative grounds, no interference is called for with the transfer order of the petitioner.

However, at this stage, the learned counsel for the petitioner submitted that if the petitioner is transferred in the middle of the academic year, he would be put to lot of hardship and submitted that the petitioner be continued at Hyderabad till the completion of the academic year. The learned Standing Counsel for the respondents-BSNL expressed no objection to the continuance of the petitioner at Hyderabad till the expiry of the academic year.

Even though this Court refused to interfere with the transfer order, but in view of the agreed stand taken by the learned Standing Counsel for the respondents-BSNL for continuation of the petitioner at Hyderabad till the expiry of the academic year, I deem it appropriate to dispose of the writ petition with the following directions:

The respondents are directed to continue the petitioner at Hyderabad till the expiry of the academic year 2007-2008.

Accordingly, the writ petition is disposed of. No costs.

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N.V. RAMANA, J.

Dated: 04th October, 2007.
KSR